

# STATE OF NEW YORK

9357

## IN SENATE

March 4, 2026

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law and the judiciary law, in relation to establishing a fundamental right to counsel for all respondents facing housing court eviction proceedings in the state of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "New York  
2 state right to counsel act".

3 § 2. Legislative intent. The legislature intends to ensure that all  
4 respondents in housing court eviction cases are given a fundamental  
5 right to counsel and protections from eviction until legal counsel is  
6 secured.

7 § 3. Section 111 of the real property actions and proceedings law is  
8 amended by adding 7 new subdivisions 6, 7, 8, 9, 10, 11 and 12 to read  
9 as follows:

10 6. As used in this chapter, the term "housing court" means any New  
11 York state court presiding over summary proceedings to recover  
12 possession of residential real property.

13 7. As used in this chapter, the term "summary proceeding" means any  
14 proceeding brought before a housing court seeking to evict a respondent  
15 of a residential real property.

16 8. As used in this chapter, the term "respondent" means any tenant or  
17 occupant, as such terms are defined in section two hundred thirty-five-f  
18 of the real property law, who is the subject of a summary proceeding.

19 9. As used in this chapter, the term "unrepresented" refers to any  
20 respondent who is not represented by a licensed attorney in New York  
21 state at the time of any housing court eviction appearance or stage in a  
22 summary proceeding.

23 10. As used in this chapter, the term "legal counsel or counsel" means  
24 any attorney or group of attorneys licensed to practice law in the state  
25 of New York, including legal services attorneys or pro bono attorneys  
26 and organizations.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 11. As used in this chapter, the term "residential real property"  
2 means real property used or intended to be used as a dwelling or home,  
3 including but not limited to apartments, houses, and rooms in multiple  
4 dwellings.

5 12. As used in this chapter, the term "right to counsel" means the  
6 fundamental right for any respondent facing eviction proceedings in New  
7 York state to be represented by an attorney.

8 § 4. The real property actions and proceedings law is amended by  
9 adding a new section 745-a to read as follows:

10 § 745-a. Right to counsel and automatic adjournment in eviction  
11 proceedings. 1. Any respondent in a summary proceeding, as defined in  
12 subdivision seven of section one hundred eleven of this chapter, shall  
13 have a fundamental right to legal counsel at all stages of the proceed-  
14 ing.

15 2. When a respondent in a summary proceeding appears before the court  
16 without legal representation, the housing court presiding must grant an  
17 adjournment of the proceeding of at least one month.

18 3. (a) The adjournment shall be granted upon the respondent's first  
19 appearance without counsel without any requirement that the respondent  
20 demonstrate good cause.

21 (b) In later appearances, if the respondent shows attempts to obtain  
22 free legal aid or pro bono counsel and denial or refusal by pro bono  
23 legal organizations to take on the case, the court must grant another  
24 adjournment of the proceeding of at least fourteen days.

25 4. The adjournment is for the purpose of permitting the respondent  
26 time to secure legal representation.

27 5. The court shall notify the respondent verbally and in writing of  
28 their right to counsel and include with this any legal aid or pro bono  
29 legal resources that they can access.

30 6. Any attempts by the respondent to waive their right to counsel are  
31 deemed invalid until the respondent has at least had a consultation with  
32 an attorney.

33 § 5. The judiciary law is amended by adding a new section 39-c to read  
34 as follows:

35 § 39-c. Duties of housing court judges in cases with respondents who  
36 do not have legal representation. 1. In any eviction or summary proceed-  
37 ing, a housing court judge may not proceed on the merits where a  
38 respondent appears without counsel until the respondent either has  
39 access to legal counsel or has validly forfeited their right to counsel  
40 pursuant to section seven hundred forty-five-a of the real property  
41 actions and proceedings law.

42 2. No warrant of eviction, final possession of judgment, or default  
43 judgment shall be issued against an unrepresented respondent unless the  
44 court has complied with the requirements of this section.

45 § 6. This act shall take effect one year after it shall have become a  
46 law.